

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13146 of the George Washington **University**, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to continue the use of a parking lot as a college or university use in an R-5-C District at the premises 733-39 - 24th Street, N. W., (Square 42, Lot 844).

HEARING DATE: January 23, 1980
DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of H and 24th Streets, N. W. and is known as 733-39 24th Street, N. W. It is located in an R-5-C District.

2. The Board, by BZA Order No. 12611, dated April 26, 1978, last approved the continued use of the subject parking lot for a period of one year as a college or university use.

3. The existing parking lot on the site contains fifty-nine parking spaces and contributes to the overall parking requirements of the university. The approved University Campus Plan provides for 2,700 to 3,000 parking spaces.

4. The applicant testified that the parking lot is paved with an all weather impervious surface. The parking spaces are marked. The parking lot is well maintained and is kept free from refuse and debris. No complaints have been received by the applicant as to the operation and maintenance of the subject lot.

5. The subject site is included within the George Washington University Campus Plan as approved by the Board. The site is designated for development during the third phase of the university campus development. There are no present plans to develop the site at the moment. Such development would occur at some undesignated future time.

6. The University's campus plan which was reviewed and approved in 1970 by the Board of Zoning Adjustment established a requirement for 2,700 thru 3,000 parking spaces. George Washington University must provide the physical facilities, including parking, which are essential to its staff, faculty, students, patients, attending physicians and BZA visitors. The faculty, staff and on-campus enrollment approximate 23,000 people; there is also a 500 bed hospital and a large medical out-patient load with its daily flow of visitors.

7. The nature and scope of the University's activities are not the typical 9:00 a.m. to 5:00 p.m., five day week operation. Much of the employment is a shift nature or teaching mode. Schedules change frequently limiting ability to use public transportation or car pools. Many of the work shifts begin or end after public subway transportation is operating.

8. The applicant testified that the Metrorail system as currently constituted has created no material change in the required parking spaces since the Board last approved the subject parking lot.

9. The applicant testified that in next two years, the University will lose ninety-one spaces in Square 121 and seventy-five spaces in Square 101. The applicant further testified that in November of 1981 when the construction of the academic cluster building will be completed there will be a gain of 238 permanent parking spaces. During the mid-1980's when there will be further construction the applicant anticipates that its parking inventory including the fifty-nine spaces of the subject application and including those in the academic cluster will be approximately 2,700 spaces.

10. ANC-2A opposed the application on the following grounds:

- a. The University has parking spaces totalling 3,677 which is in excess of the range of 2,700 to 3,000 approved by the BZA under the University Campus Plan.
- b. The commercially-leased spaces totalling 915 owned by the University should be included in the 2,700-3,000 range. The leases should be cancelled or not renewed.

- c. The subject lot is within two blocks of the Metrorail station.
 - d. The University will have an additional 264 spaces upon the completion of the academic cluster building.
 - e. The University should discontinue to provide subsidized parking.
11. At the conclusion of the public hearing the record was left open for the applicant to reply to the objections of the ANC and the ANC's reply thereto. The record was also left open for a report from the Department of Transportation to which the application had been referred on November 28, 1979.
12. The applicant replied that approximately 840 of the aforementioned 915 spaces are commercially operated parking facilities not used by the University and not related to the 2700 - 3000 spaces approved by the BZA for campus use under Paragraph 3101.46 of the Zoning Regulations. They were approved either by a BZA Order as commercial parking in the R-5-C District of the campus or else were being operated as commercial parking, a non-University use, as a matter of right in C-3-B Districts. Some of the commercial lots have since been terminated. The applicant further replied that it has a parking committee with student, faculty and staff representatives and that the University does not subsidize parking.
13. The ANC replied that it did not accept the University's explanation and requested that the DOT **render** an opinion.
14. The DOT, by memorandum dated January 30, 1980, reported that, by memorandum to the BZA dated March 17, 1978, DOT had recommended that BZA Application No. 12611 to continue use of a parking lot on this site be granted for no longer than a four year period. Under BZA Order No. 12611, dated April 26, 1978, approval was granted for a one year period. DOT also stated in its March 17, 1978 memorandum that it would reevaluate a reapplication at the end of the four year period to determine the accessibility by transit of the

facilities served by this parking lot. That statement was based on its reasoning that at the end of the four year period, the added mileage to the Metrorail system would greatly improve accessibility to the system and parking needs would diminish considerably. The feeder bus system and station parking, two important items in the determination of accessibility, will be better known at that time. In the present case, the DOT recommended that this permit be granted for no longer than a two year period, which will expire at the end of DOT's originally intended four year period.

15. As to the issues and concerns of the Advisory Neighborhood Commission, the Board finds the following:
 - A. As set forth in Finding of Fact No. 9, and as cited by the applicant in its letter of January 31, 1980, the total number of parking spaces available for use by the University for its students, faculty, staff and visitors will be in the range of 2700 to 3000 spaces. The total number of spaces cited by the ANC includes spaces used as commercial parking and illegal spaces, which the Board does not consider to be a part of the University's inventory of spaces to meet the plan requirements.
 - B. The University has gradually been terminating the use of its surface lots for commercial parking. The large parking lot in Square 103 has recently been converted with the approval of the Board from commercial parking to University parking. In addition, other commercial lots in Square 75 and 121 will be terminated in the near future.
 - C. As testified to by the applicant as set forth in Finding of Fact No. 8, the present Metrorail system has not materially changed the need for parking spaces. Furthermore, consultant studies done for the University indicates that the need for parking for the University will continue at approximately the present level until 1990 even with a completed Metrorail system.
 - D. The spaces to be available to the University upon completion of the academic cluster represent a net gain of permanent spaces available. However, as set forth in the order, due to the loss of other spaces, the spaces included in this order are still a part of the 2700 to 3000 spaces required by the Board for the overall University.

- E. In its letter of January 31, 1980 the University stated that it does "not subsidize any of the parking operation (including debt service or amortization of investment costs) from either student tuition or patient health care income."

CONCLUSIONS OF LAW:

The Board concludes that an application for a special exception must be judged on the basis of the criteria set forth in the Zoning Regulations. The Board concludes that in this application, the application does comply with the requirements of Paragraph 3101.46 of the Zoning Regulations. The Board concludes that the lot by itself does not reasonably contribute to adverse traffic effect, and that the operation of the lot to this point has not had an adverse effect on the present character or future development of the area. The lot is at present reasonably necessary for existing uses in the area, is part of the inventory of spaces used by the University and is necessary to keep the number of parking spaces available for University use in the range of 2700 to 3000 as required by the Board.

The Board concludes that it has given great weight to the issues and concerns of the Advisory Neighborhood Commission, but that the circumstances surrounding the present application are not such that the application should not be denied. The Board does conclude, however, that as the availability of mass transit increases with the opening of more Metrorail routes, it will be appropriate to review parking lots to determine if they are still reasonably necessary to the area in which they are located. The Board notes the recommendation of the Department of Transportation in this regard.


Based on the above findings of fact and conclusions of law, it is therefore hereby ORDERED that the application is GRANTED subject to the following CONDITIONS:

- A. Approval shall be for a period of FOUR YEARS from the date of the expiration of the previous Certificate of Occupancy, namely April 26, 1979.
- B. Maintenance and service vehicles up to 1.5 tons in weight and recreational vehicles and pickup trucks of students, faculty and staff, provided that they are no larger than nine feet by nineteen feet, may be permitted to park on the subject property.

- C. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming and all-weather impervious surface.
- D. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- E. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- F. All parts of the lot shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- G. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures are otherwise permitted in the zoning district in which the parking lot is located.
- H. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Theodore F. Mariani, William F. McIntosh, Connie Fortune, Charles R. Norris and Leonard McCants to grant.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED : 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 MAY 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE **E**FFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THIS EFFECTIVE DATE OF THIS ORDER. UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.